

Remarks

In the Claims

Claims 1-84 were pending prior to this amendment and have been rejected. Claims 14, 29, 43 and 57 were noted to be conditionally allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 1-4, 7, 8, 10, 11, 15, 17, 18, 20, 21, 23, 26, 30, 32, 33, 36, 39, 43, 45, 46, 49, 51, 54, 58, 61-69, and 71-75 are herein amended. Claims 5, 6, 12-14, 16, 27-29, 31, 40-42, 44, 55-57, 59, 60, 70, and 76-84 are canceled, without prejudice or disclaimer. The claim amendments are fully supported by the specification as filed, and no new matter has been added. Applicant respectfully requests reconsideration of the application in view of the amendments to the claims and the remarks that follow.

Rejection under 35 U.S.C. §112

Claims 21-48 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite, the Office Action stating that it is unclear whether each recitation of the term "rigid block" refers to the same element, and whether each recitation of the term "plurality of cavities" refers to the same element. The Office Action further states that there is a lack of antecedent basis for the term "the block" in claims 21 and 36.

Claims 21 and 36 have been amended, clarifying that the term "rigid block" in claim 21 refers to one element within that claim, that the term "rigid block" in claim 36 refers to one element within that claim, that the term "plurality of cavities" in claim 21 refers to one element within that claim, and that the term "plurality of cavities" in claim 36 refers to one element within that claim. Applicant notes that the term "the block" was struck from claims 21 and 36 in the amendments to the claims dated August 1, 2008. For at least these reasons, the claims as amended are not indefinite under 35 U.S.C. §112, and applicant respectfully requests that the rejection of claims 21-48 on this basis be withdrawn.

Claims 21 and 36 are further amended to recite that the rigid block has a pumping side and a port side, the port side having a plurality of ports, each port providing a pneumatic connection to the bezel, and that each cavity on the pumping side of the rigid block is in fluid communication through the rigid block with one of the ports. Support for the amendments can be found at least, for example, at paragraphs 0083 and 0087 of the published application.

The Office Action stated that there is insufficient antecedent basis for the term “the bezel” in claims 78 -84. Claims 78-84 have been canceled, rendering this rejection moot.

The Office Action also stated that it is unclear whether the term “ports” in claim 60 is the same as the term “ports” in claim 49, from which claim 60 depends. Claim 60 has been canceled, thus rendering the rejection moot, and claims 61-64 are amended to depend from claim 49. Therefore, withdrawal of the rejection under 35 U.S.C. § 112 of claims 61-64 is respectfully requested.

Rejection under 35 U.S.C. §102

Claims 1-5 and 67-70 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,628,908 to Kamen et al. (“the ‘908 patent”). The Office Action stated that the ‘908 patent teaches a rigid block having a plurality of ports integrally molded on a port side of the rigid block, and a plurality of cavities on a pumping side of the rigid block, each cavity in fluid communication through the rigid block with one of the ports for delivering air pressure directly to the port. The Office Action also stated that the ‘908 patent teaches ports as hollow tubular structures integral with the rigid block, that the port side is opposite the pumping side, that ports have inner diameters larger in size than the cavity in fluid communication therewith, and that a first depression in the pumping side of the rigid block has at least one of the cavities therein. Applicant respectfully traverses.

Claim 1 as amended recites a bezel for use in delivery of pneumatic pressure that includes ribs extending up from the depression and arranged to provide a plurality of air passages between the at least two cavities in the depression, wherein the ribs leave an air passage unobstructed by ribs at each of the two cavities, such that at each of the two cavities the

respective air passage connects the cavity to the plurality of air passages between the two cavities. Claims 2-4 depend from claim 1, and are therefore also allowable based on the amendments to claim 1. Claim 5 has been canceled. Claim 67 as amended recites an assembly for use in the delivery of pneumatic pressure in a medical device that includes a depression in the pumping side of the rigid block, the depression having two cavities, and ribs extending up from the depression to form an elevated contour in the depression, the ribs arranged to provide a plurality of air passages between the two cavities in the depression; wherein the ribs leave an air passage unobstructed by ribs at each of the two cavities, such that at each of the two cavities the respective air passage connects the cavity to the plurality of air passages between the two cavities. Claims 68 and 69 depend from claim 67, and are therefore also allowable based on the amendments to claim 67. Claim 70 has been canceled. Applicant therefore respectfully requests reconsideration and withdrawal of the rejections under 35 U.S.C. §102(b) of claims 1-4, and 67-69.

Rejection under 35 U.S.C. §103

Claims 6-10, 16-20, and 71-74 were rejected under 35 U.S.C. §103(a) as being unpatentable over the '908 patent in view of U.S. Patent No. 5,088,901 to Brauer ("the '901 patent"), or in the alternative in view of the '901 patent, or in the alternative in view of the '901 patent as evidenced by U.S. Patent Application No. 2004/005421 to Liotta ("the '421 application"), and further in view of U.S. Patent No. 6,382,923 to Gray ("the '923 patent"). Applicant respectfully traverses.

Claims 6 and 16 have been canceled, and claims 7-10 and 17-20 as amended depend from claim 1, which has been amended as discussed below under the section "Allowable Subject Matter." Claims 71-74 as amended depend from claim 67, which also has been amended as discussed below. Applicants believe that claims 1 and 67 as amended are now allowable, and as such respectfully request reconsideration and withdrawal of the rejections under 35 U.S.C. §103(a) of claims 7-10, 17-20 and 72-74, which depend therefrom.

Allowable Subject Matter

The Office Action stated that claims 14, 29, 43 and 57 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Accordingly, independent claims 1, 21, 36, 49 and 67 are amended, and several claims depending therefrom are canceled, including claims 6, 12, 13, 14; 27, 28, 29; 40, 41, 42; 55, 56, 57; and 70, 76, 77. (Given the similarity of subject matter among claims 14, 29 and 57, Applicant believes that the examiner may have intended to state that it is claim 42 that is conditionally allowable.)

Independent claims 1, 21, 36, 49 and 67 are amended to incorporate some of the subject matter from several dependent claims, and to remove certain subject matter. For example, sections in the independent claims reciting integrally molded ports providing a solvent bondable tubing connection have been removed, as well as the clause: "...for delivering pneumatic air pressure directly to the port through the solvent bondable tubing connection." In addition, not all of the language of claims 5 and 6 has been incorporated in amended claim 1. Also, the term "straight air passage" in dependent claims 14, 29, 42 and 57 is now referred to simply as "air passage" in independent claims 1, 21, 36, 49 and 67.

Amended independent claims 1, 21, 36, 49 and 67 now recite, for example, at least one depression in the pumping side of the rigid block, the depression having at least two of the plurality of cavities therein. Amended claims 1, 21, 36, 49 and 67 also recite ribs extending up from the depression and arranged to provide a plurality of air passages between the two cavities in the depression, wherein the ribs leave an air passage unobstructed by ribs at each of the two cavities, such that at each of the two cavities, the respective air passage connects the cavity to the plurality of air passages between the two cavities.

Support for these amendments can be found throughout the specification as filed, and at least, for example, at paragraphs 0085-0087, and FIG. 6C of the published application. Therefore, Applicant believes that claims 1, 21, 36, 49 and 67 as amended, as well as their respective dependent claims, incorporate those aspects of the subject matter deemed in the Office

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Action to render the claims allowable. Applicant thus respectfully requests reconsideration and allowance of claims 1-4, 7-11, 15, 17-26, 30, 32-39, 43, 45-54, 58, 61-69, and 71-75.

Conclusion

For the foregoing reasons all of the pending claims are believed to be in condition for allowance, and Applicant respectfully requests favorable reconsideration of the application. If any matter arises for which an interview may expedite issuance of a notice of allowance, the Examiner is requested to call the undersigned at the telephone number given below.

Applicant believes that a three-month extension of time is required and requests that the associated extension fee be charged to Deposit Account No. 50-4383. If any other fee is required, Applicant requests that the associated fee also be charged to Deposit Account No. 50-4383.

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Respectfully submitted,

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